

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10**

**WAYNE FARMS, LLC, d/b/a
DUTCH QUALITY HOUSE**

Employer

and

CASE 10-AC-52

**UNITED FOOD AND COMMERCIAL
WORKERS UNION, LOCAL 1995, AFL-CIO, CLC**

Petitioner

DECISION AND AMENDMENT OF CERTIFICATION

Upon a petition duly filed on September 1, 2000 under Section 9 (b) of the National Labor Relations Act, the undersigned has carefully investigated and duly considered the issues raised by said petition. Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to the undersigned Regional Director.

Upon the entire record in this proceeding, I find:

- 1) The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
- 2) The Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
- 3) The Petitioner proposes to amend the certification issued August 1, 2000, in Case 10-RC-15138, by substituting Local 1995 for Local 1657 as the name of the certified collective bargaining representative so that the name would read: United Food and Commercial Workers Union, Local 1995, AFL-CIO, CLC.

Submitted with the instant petition was an agreement among Petitioner and United Food & Commercial Workers Local 1657 and the Employer, agreeing to have the NLRB amend the certification to reflect Local 1995 as the certified collective bargaining agent instead of Local 1657. In determining whether an amendment request should be granted, the Board has primarily been concerned that the employees be assured of continuity in representation. The Gas Service, 213 NLRB 932 (1974); Gulf Oil Corporation, 135 NLRB 184 (1962).

Further investigation into the information presented to the employees prior to and after the July 21, 2000 election, in Case 10-RC-15138, revealed that the United Food and Commercial Workers International Union conducted the organizing campaign but filed the petition under the mistaken belief that the Employer was in the jurisdictional area of Local 1657. After the election and the issuance of the Certification of Representative, the mistake was realized. Local 1995, after Local 1657's certification, handbilled at the plant announcing upcoming union meetings at least twice and held at least three meetings at which the representatives of Local 1995 introduced themselves to those attending; explained the jurisdictional mix-up, answered questions, and, encountering no objections, accepted bargaining proposals at the third meeting and elected a negotiating committee.

It appears that an orderly transition from Local 1657 to Local 1995 has occurred, affording the employees in the bargaining unit notice and an opportunity to obtain information, participate and select their negotiating committee. Further the Employer does not object to the amendment of the certification requested by the Petitioner and all parties have stipulated to the proposed designation of the collective bargaining representative.

- 4) Accordingly, the Certification of Representative issued August 1, 2000, is hereby amended to designate United Food and Commercial Workers Union, Local 1995, AFL-

CIO, CLC as the exclusive collective bargaining representative of all employees in the below-described appropriate collective bargaining unit:

All production and maintenance employees employed by the Employer at its Decatur, Alabama facility including all sanitation employees, quality assurance employees, waste water treatment employees, lead employees and shipping and receiving employees, excluding all office clerical employees, truck drivers, guards and supervisors as defined in the Act.

Dated at Atlanta, Georgia, this 6th day of November, 2000.

/s/ Martin M. Arlook

Martin M. Arlook, Regional Director
National Labor Relations Board
233 Peachtree Street, NE
Harris Tower, 1000
Atlanta, Georgia 30303

“385-2525-6700 Date of Issuance: 11/06/00 “